



General Assembly

Substitute Bill No. 1214

January Session, 2001

***AN ACT CONCERNING WILDLIFE MANAGEMENT PROGRAMS OF
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-40a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 For the purposes of this section, the following shall be considered as
4 potentially dangerous animals: The felidae, including the lion, leopard,
5 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the
6 canidae, including the wolf and coyote; and the ursidae, including the
7 black bear, grizzly bear and brown bear. No person shall possess a
8 potentially dangerous animal. Any such animal illegally possessed
9 may be ordered seized and may be disposed of as determined by the
10 Commissioner of Environmental Protection. All costs associated with
11 the confiscation, care and maintenance of the animal until such time as
12 the animal is disposed of or is permanently relocated to a proper
13 facility shall be the responsibility of the owner or the person who is in
14 illegal possession of the animal. Any person who violates any
15 provision of this section shall be [fined not more than one hundred
16 dollars for each offense] assessed a civil penalty not to exceed one
17 thousand dollars, to be fixed by the court, for each offense. Each
18 violation shall be a separate and distinct offense and in the case of a
19 continuing violation, each day's continuance thereof shall be deemed
20 to be a separate and distinct offense. The Attorney General, upon

21 complaint of the Commissioner of Environmental Protection, may
22 institute a civil action to recover such penalty and any cost associated
23 with the confiscation, care and maintenance of the animal. The
24 provisions of this section shall not apply to municipal parks, zoos and
25 nature centers, or museums, laboratories and research facilities
26 maintained by scientific or educational institutions; to a person
27 possessing a Bengal cat certified by an internationally recognized
28 multiple-cat domestic feline breeding association as being without
29 wild parentage for a minimum of four prior generations which cat was
30 registered with the Commissioner of Agriculture on or before October
31 1, 1996, provided no such cat may be imported into this state after June
32 6, 1996; or to persons possessing animals legally on or before May 23,
33 1983. In any action taken by any official of the state or any
34 municipality to control rabies, a Bengal cat shall be considered not
35 vaccinated for rabies in accordance with accepted veterinary practice.

36 Sec. 2. Section 26-55 of the general statutes is repealed and the
37 following is substituted in lieu thereof:

38 No person shall import or introduce into the state, or possess or
39 liberate therein, any live fish, wild bird, wild [quadruped] mammal,
40 reptile, [or] amphibian or invertebrate unless such person has obtained
41 a permit therefor from the commissioner. Such permit may be issued at
42 the discretion of the commissioner under such regulations as [he] the
43 commissioner may prescribe. The commissioner may by regulation
44 prescribe the numbers of live fish, wild birds, wild [quadrupeds]
45 mammals, reptiles, [and] amphibians or invertebrates of certain species
46 which may be imported, possessed, introduced into the state or
47 liberated therein. The commissioner may by regulation exempt certain
48 species or groups of live fish from the permit requirements. [He] The
49 commissioner may by regulation determine which species of wild
50 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or
51 invertebrates must meet permit requirements. [He] The commissioner
52 may totally prohibit the importation, possession, introduction into the
53 state or liberation therein of certain species which [he] the
54 commissioner has determined may be a potential threat to humans,

55 agricultural crops or established species of plants, fish, birds,
56 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The
57 commissioner may by regulation exempt from permit requirements
58 organizations or institutions such as zoos, research laboratories,
59 colleges or universities, public nonprofit aquaria or nature centers
60 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,
61 [and] amphibians or invertebrates are held in strict confinement. Any
62 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
63 invertebrate illegally imported into the state or illegally possessed
64 therein shall be seized by any representative of the Department of
65 Environmental Protection and shall be disposed of as determined by
66 the commissioner. Any person, except as provided in section 26-55a,
67 who violates any provision of this section or any regulation issued by
68 the commissioner as herein provided shall be guilty of an infraction.
69 Importation, liberation or possession of each fish, wild bird, wild
70 [quadruped] mammal, reptile, [or] amphibian or invertebrate in
71 violation of this section or such regulation shall be a separate and
72 distinct offense and, in the case of a continuing violation each day of
73 continuance thereof shall be deemed to be a separate and distinct
74 offense.

75 Sec. 3. Section 26-57 of the general statutes is repealed and the
76 following is substituted in lieu thereof:

77 No person shall transport within the state or transport out of the
78 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or
79 invertebrate for which a closed season is provided without a permit
80 from the commissioner, except as provided herein. The commissioner
81 may issue a permit to any person to transport within the state or to
82 transport out of the state any fish, bird, [quadruped] mammal, reptile,
83 [or] amphibian or invertebrate protected under the provisions of this
84 chapter under such regulations as [he] the commissioner may
85 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian
86 or invertebrate shall be transported out of the state unless each unit,
87 package or container is conspicuously tagged or labeled, and such tag
88 or label contains in legible writing the full name and address of the

89 person legally authorized to transport out of the state such fish, bird,
90 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any
91 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
92 invertebrate received by any person or by any common carrier within
93 the state, addressed for shipment to any point without the state and
94 not having such tag or label conspicuously attached shall be prima
95 facie evidence of a violation of the provisions of this section. A permit
96 shall not be required to transport within the state or to transport out of
97 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian
98 or invertebrate which has been legally taken, bred, propagated or
99 possessed by a person to whom a license, registration or permit has
100 been issued under the provisions of this chapter authorizing the
101 taking, breeding, propagating or possessing of fish, birds,
102 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and
103 no permit shall be required to transport within the state or to transport
104 out of the state any fish, bird, [quadruped] mammal, reptile, [or]
105 amphibian or invertebrate that has been legally taken or acquired by a
106 person exempt from license requirements under the provisions of this
107 chapter. Any person who violates any provision of this section shall be
108 fined not less than ten dollars nor more than two hundred dollars or
109 imprisoned not more than sixty days or be both fined and imprisoned.

110 Sec. 4. Section 26-70 of the general statutes is repealed and the
111 following is substituted in lieu thereof:

112 (a) No person shall hunt, take, attempt to hunt or take, or assist in
113 hunting or taking, or assist in an attempt to hunt or take, from the
114 wild, any protected wild [game] bird, wild [quadruped] mammal,
115 reptile, [or] amphibian or invertebrate except as authorized under the
116 provisions of this chapter and the regulations issued by the
117 commissioner. Each [game] bird, wild [quadruped] mammal, reptile,
118 [and] amphibian or invertebrate killed, wounded, taken or possessed
119 contrary to any provision hereof shall constitute a separate offense.

120 (b) No person may administer or otherwise employ the use of
121 contraceptive compounds to any species of free ranging wildlife or

122 employ any physical alteration or device that would alter the
123 reproductive potential of any species of free ranging wildlife without
124 first obtaining a permit from the commissioner. The applicant for such
125 permit shall (1) first obtain any required federal permits, and (2)
126 provide to the commissioner a written proposal describing the
127 contraception application protocol, the credentials of each person who
128 will administer the contraceptive procedure, the purpose or intent of
129 the procedure and an assessment of environmental impacts. The
130 prohibitions of this subsection do not apply to the wildlife
131 management programs of the department.

132 (c) The commissioner shall adopt regulations, in accordance with
133 the provisions of chapter 54, to carry out the requirements of
134 subsection (b) of this section. The regulations shall include, but need
135 not be limited to, definitions of contraceptive compounds and devices
136 and restrictions on the possession of such compounds or devices in the
137 field.

138 Sec. 5. Section 26-82 of the general statutes is repealed and the
139 following is substituted in lieu thereof:

140 (a) No person shall hunt, pursue, wound or kill any deer or sell or
141 offer for sale or have in possession the flesh of any deer captured or
142 killed in this state, or have in possession the flesh of any deer from any
143 other state or country unless it is properly tagged as required by such
144 state or country except as provided by the terms of this chapter or
145 regulations adopted pursuant thereto, and except that any landowner
146 or primary lessee of land owned by such landowner or the husband or
147 wife or any lineal descendant of such landowner or lessee or any
148 designated agent of such landowner or lessee may kill deer with a
149 shotgun, rifle or bow and arrow provided a damage permit has first
150 been obtained from the commissioner and such person has not been
151 convicted for any violation of this section, [26-82,] section 26-85, 26-86a,
152 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations
153 of Connecticut state agencies within three years preceding the date of
154 application. Upon the receipt of an application, on forms provided by

155 the commissioner and containing such information as said
156 commissioner may require, from any landowner who has or whose
157 primary lessee has an actual or potential gross annual income of
158 twenty-five hundred dollars or more from the commercial cultivated
159 production of grain, forage, fruit, vegetables, flowers, ornamental
160 plants or Christmas trees and who is experiencing an actual or
161 potential loss of income because of severe damage by deer, the
162 commissioner shall issue not more than six damage permits without
163 fee to such landowner or the primary lessee of such landowner, or the
164 wife, husband, lineal descendant or designated agent of such
165 landowner or lessee. The application shall be notarized and signed by
166 all landowners or by the landowner or a lessee to whom a farmer tax
167 exemption permit has been issued pursuant to subsection (63) of
168 section 12-412. Such damage permit shall be valid through October
169 thirty-first of the year in which it is issued and may specify the hunting
170 implement or shot size or both which shall be used to take such deer.
171 The commissioner may at any time revoke such permit for violation of
172 any provision of this section or for violation of any regulation pursuant
173 thereto or upon the request of the applicant. Notwithstanding the
174 provisions of section 26-85, the commissioner may issue a permit to
175 any landowner or primary lessee of land owned by such landowner or
176 the husband or wife or any lineal descendant of such landowner or
177 lessee and to not more than three designated agents of such landowner
178 or lessee to use a jacklight for the purpose of taking deer when it is
179 shown, to the satisfaction of the commissioner, that such deer is
180 causing damage which cannot be reduced during the daylight hours
181 between sunrise and one-half hour after sunset on the land of such
182 landowner. The commissioner may require notification as specified on
183 such permit prior to its use. Any deer killed in accordance with the
184 provisions of this section shall be the property of the owner of the land
185 upon which the same has been killed, but shall not be sold, bartered,
186 traded or offered for sale, and the person who kills any such deer shall
187 tag and report each deer killed, as provided in section 26-86b. Upon
188 receipt of the report required by section 26-86b, the commissioner shall
189 issue an additional damage permit to the person making such report.

190 Any deer killed otherwise than under the conditions provided for in
191 this chapter or regulations adopted pursuant thereto shall remain the
192 property of the state and may be disposed of by the commissioner at
193 [his] the commissioner's discretion to any state institution or may be
194 sold and the proceeds of such sale shall be remitted to the State
195 Treasurer, who shall apply the same to the General Fund, and no
196 person, except the commissioner, shall retail, sell or offer for sale the
197 whole or any part of any such deer. No person shall be a designated
198 agent of more than one landowner or primary lessee in any calendar
199 year. No person shall make, set or use any trap, snare, salt lick, bait or
200 other device for the purpose of taking, injuring or killing any deer, [nor
201 shall any person] except, notwithstanding any other provision of this
202 chapter, the commissioner may authorize any municipality that has, by
203 a majority vote of the decision making body of such town, voted to
204 take any deer using any method consistent with professional wildlife
205 management principles and scientifically accepted principles of
206 ecosystem based management, to take any deer using such method if
207 the commissioner finds that ecological damage can be demonstrated
208 and if a plan is submitted to the commissioner for review and
209 approval. Such plan shall describe the extent and degree of the damage
210 and the proposed methods of take and other lethal and nonlethal
211 options proposed, considered or implemented. No person shall hunt,
212 pursue or kill deer being pursued by any dog, whether or not such dog
213 is owned or controlled by [him] such person, except that no person
214 shall be guilty of a violation under this section when such a deer is
215 struck by a motor vehicle operated by [him] such person. No person
216 shall use or allow any dog in [his] such person's charge to hunt, pursue
217 or kill deer. No permit shall be issued when in the opinion of the
218 commissioner the public safety may be jeopardized.

219 (b) The commissioner shall adopt regulations, in accordance with
220 the provisions of chapter 54, to carry out the provisions of subsection
221 (a) of this section.

222 ~~[(b)]~~ (c) Any person who violates any provision of this section shall
223 be fined not less than two hundred dollars nor more than five hundred

dollars or imprisoned not less than thirty days nor more than six months or shall be both fined and imprisoned, for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not more than one year or shall be both fined and imprisoned.

Sec. 6. Section 26-92 of the general statutes is repealed and the following is substituted in lieu thereof:

No person shall catch, kill or purchase or attempt to catch, kill or purchase, sell, offer or expose for sale or have in possession, living or dead, any wild bird other than a game bird, or purchase or attempt to purchase, sell, offer or expose for sale or have in possession any part of any such bird or of the plumage thereof except as acquired under the provisions of this chapter. For the purposes of this section, the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks and geese; the rallidae, or rails, including coots, gallinules and sora and other rails; the limicolae, or shore birds, including snipe and woodcock; the gallinae, including wild turkeys, grouse, prairie chickens, pheasants, partridge and quail; the corvidae, including crows. No person shall take or [needlessly] intentionally destroy any nest or any egg of any wild bird or game bird nor have any nest or egg of any such bird in possession. English sparrows, starlings, rock doves, and, when [in the act of destroying corn, crows and red-winged and crow blackbirds] found depredating or constituting a threat of depredation upon agriculture crops, livestock or wildlife or when concentrated in such numbers and manner as to constitute a public health hazard, crows, brown-headed cowbirds and grackles shall not be included among the birds protected by this section, except that nonlethal means shall first be used to prevent such depredation or to address such public health hazard. The existence of a public health hazard shall be determined by the Commissioner of Public Health or the local director of health. Any conservation officer and any other officer having authority to serve criminal process shall have the same powers relating to violations of the provisions of this section as are conferred by section 26-6. The commissioner shall adopt

258 regulations, in accordance with chapter 54, to carry out the provisions
259 of this section.

260 Sec. 7. Section 26-3 of the general statutes is repealed and the
261 following is substituted in lieu thereof:

262 The Commissioner of Environmental Protection shall enforce all of
263 the laws relating to fish and wildlife [, fish, crustacea, game and
264 nongame birds, waterfowl and game and fur-bearing animals] of the
265 state and shall possess all powers necessary to fulfill the duties
266 prescribed by law with respect thereto and to bring actions in the
267 proper courts of this state for the enforcement of such laws and the
268 orders and regulations adopted and promulgated by [him. He] said
269 commissioner. Said commissioner shall have the supervision of
270 hatcheries and retaining ponds and of the introduction, propagation,
271 securing and distribution of such fish and [game] wildlife as are
272 adapted to the waters or lands of this state, and may designate, as
273 closed to fishing, areas of inland waters to provide for spawning beds.
274 [, and] Notwithstanding any other provision of the general statutes,
275 the commissioner, after public notice and an opportunity for public
276 comment, may take at any time or place, using any method consistent
277 with scientifically accepted principles of ecosystem based
278 management, any fish [, crustacean, bird or animal] for scientific and
279 educational purposes, public health and safety, propagation and
280 dissemination, [. He] or protection of natural or agricultural
281 ecosystems. Said commissioner shall have jurisdiction of all matters
282 relating to fish and [game] wildlife on any land belonging to the state
283 and the regulation of hunting, fishing and trapping and the use of the
284 waters of any lake, pond or stream on such land. The commissioner
285 shall not grant to any conservation officer, appointee or other person
286 any special privileges with respect to hunting, fishing, trapping or the
287 use of the waters of any lake, pond or stream on such land. [He] Said
288 commissioner may erect buildings upon any such land, subject to the
289 permission of the authorities of any institution or commission
290 controlling such land and the approval of the Commissioner of Public
291 Works and the State Properties Review Board. [He] Said commissioner

292 may employ such special assistants as [he finds advisable. He]
293 necessary. Said commissioner shall cooperate with the United States
294 Fish and Wildlife Service and the fish and [game] wildlife
295 commissioners of other states. [He] Said commissioner may acquire, by
296 gift or lease and, with the approval of the Governor alone, by
297 purchase, lands for the establishment of fish hatcheries or game
298 preserves [. He] and fisheries or wildlife management areas. Said
299 commissioner may, with the approval of the Attorney General, grant
300 rights-of-way or other easements or leases for public purposes to the
301 United States government, any subdivision of the state or any public
302 utility within the state on or with respect to any lands under [his]
303 jurisdiction of said commissioner if [he] said commissioner finds that
304 such purposes are not in conflict with the public interest, provided any
305 such public utility shall pay for any right-of-way, easement or lease so
306 granted such compensation as said commissioner considers
307 reasonable. [He] Said commissioner shall have authority to establish
308 the boundaries of any properties under [his] the jurisdiction of said
309 commissioner by agreement with owners of adjoining property and
310 may, with the approval of the Attorney General alone, exchange land
311 with such property owners and execute deeds in the name of the state
312 for the purpose of establishing such boundaries. The commissioner
313 may provide for the importation of [game birds and game and fur-
314 bearing animals] fish and wildlife, and provide for the protection,
315 propagation and distribution of such imported or native [birds and
316 animals] fish and wildlife. The commissioner may locate, lay out,
317 construct and maintain nurseries and rearing ponds where fish may be
318 planted, propagated and reared and liberate and distribute such fish in
319 the waters of this state [. He] and may acquire by gift, purchase,
320 capture or otherwise any fish [, game, game birds or animals] or
321 wildlife for propagation, experimental or scientific purposes. [, and]
322 Notwithstanding any other provisions of the general statutes, said
323 commissioner, after public notice and an opportunity for public
324 comment, may destroy and dispose of any undesirable or diseased
325 wildlife [species] in the interest of wildlife management at any place
326 and using any method consistent with scientifically accepted principles

327 of ecosystem based management if [he] said commissioner determines
328 that the species (1) aggressively invades, or is likely to be detrimental
329 to, agricultural crops or native plants or wildlife, (2) is likely to be a
330 carrier of insects, disease or parasites detrimental to such crops, plants
331 or wildlife, or (3) is likely to have a detrimental effect on natural or
332 agricultural ecosystems, (4) is likely to be detrimental to endangered,
333 threatened, or species of special concern as listed in sections 26-306-1 to
334 26-306-7, inclusive, of the Regulations of Connecticut State Agencies or
335 such species' essential habitats, or (5) causes severe property damage,
336 provided the commissioner shall first utilize nonlethal means of
337 controlling undesirable or diseased wildlife causing such damage. The
338 commissioner may enter into cooperative agreements with educational
339 institutions and state, federal or other agencies to promote wildlife
340 research and to train personnel for wildlife management, information,
341 distribution and education projects, and may enter into cooperative
342 agreements with federal agencies, municipalities, corporations,
343 organized groups or landowners, associations and individuals for the
344 development of [game, birds,] fish or [fur-bearing animals] wildlife
345 management and demonstration projects. The commissioner may
346 allocate and expend for the protection, restoration, preservation and
347 propagation of fish [, crustacea, game and fur-bearing animals, and
348 game and nongame birds,] and wildlife all funds of the state collected,
349 appropriated and acquired for the purpose. The commissioner shall
350 adopt regulations, in accordance with chapter 54, to carry out the
351 provisions of this section.

352 Sec. 8. Section 26-69 of the general statutes is repealed and the
353 following is substituted in lieu thereof:

354 The commissioner, after public notice and an opportunity for public
355 comment, may engage in wildlife management practices, [and may
356 expend from federal aid funds necessary moneys to establish,
357 construct and maintain, on any state-owned land and water under his
358 control and, with the consent of the owner, on private land and water,
359 wildlife propagation installations, facilities and associated structures,
360 experimental stations and facilities, and perform, or have performed,

361 any work related to the establishment, restoration, improvement,
362 control and protection of wildlife habitats, and perform or have
363 performed any work related to the creation of facilities for ingress and
364 egress and the creation of facilities for public use of any area under its
365 control] including, but not limited to: (1) Managing the wildlife
366 resources of the state to provide sustainable, healthy populations of
367 diverse wildlife species, including endangered and threatened species,
368 consistent with professional wildlife management principles and
369 scientifically accepted principles of ecosystem based management; (2)
370 conducting research to better understand processes and relationships
371 affecting wildlife and habitats; (3) conducting public awareness and
372 technical assistance programs to enhance privately-owned habitat and
373 promote an appreciation for and understanding of the value and use of
374 wildlife; (4) performing any work for the establishment, restoration,
375 improvement, control and protection of wildlife habitats; (5)
376 performing any work to create and maintain facilities for ingress and
377 egress for public use of any area under said commissioner's control; (6)
378 regulating hunting seasons and bag limits for all harvestable wildlife
379 species within the state; (7) managing public hunting and wildlife
380 recreational opportunities on state-owned, state-leased, permit-
381 required areas and cooperative wildlife management areas; and (8)
382 conducting, with volunteer assistance, conservation education and
383 safety programs to promote safe and ethical hunting practices. Said
384 commissioner may expend from federal aid funds necessary moneys
385 for supplies, materials, equipment, temporary personal services and
386 contractual services to carry out the provisions of this section. The
387 commissioner shall adopt regulations, in accordance with chapter 54,
388 to carry out the provisions of this section.

389 Sec. 9. Section 26-115 of the general statutes is repealed and the
390 following is substituted in lieu thereof:

391 The Commissioner of Environmental Protection may engage in
392 fisheries management practices [and may expend from federal aid
393 funds necessary moneys to establish, construct and maintain, on any
394 state-owned land and water under his control and, with the consent of

395 the owner, on private land and water, fish cultural installations and
396 associated structures, stream and pond improvement and control
397 structures and experimental stations, and for the creation of facilities
398 for public use of any area under his control] including, but not limited
399 to: (1) Managing fishery resources to provide sustainable populations,
400 including endangered species, commensurate with habitat capability
401 and relevant ecological, social and economic considerations; (2)
402 regulating and managing diadromous and marine fisheries and habitat
403 consistent with interjurisdictional management plans and harvest
404 objectives; (3) regulating and managing inland fisheries and habitat
405 through various stocking, population manipulation and habitat
406 preservation and improvement programs; (4) protecting and
407 conserving aquatic habitat and associated riparian zones; (5)
408 performing any work to create and maintain facilities for the ingress
409 and egress for public use of any area under said commissioner's
410 control; (6) managing public fishing opportunities on state-owned or
411 state-leased water bodies; and (7) conducting public awareness and
412 educational programs to promote an understanding and appreciation
413 for aquatic resources and habitats. Said commissioner is delegated
414 authority to expend from federal aid funds necessary moneys for
415 supplies, materials, equipment, temporary personal services and
416 contractual services to carry out the provisions of sections 26-102 and
417 26-111 to 26-117, inclusive, as amended by this act.

418 Sec. 10. Section 26-91 of the general statutes is repealed and the
419 following is substituted in lieu thereof:

420 (a) The closed season, daily bag limit and possession limit for
421 migratory game birds and the methods of taking such game birds shall
422 be at least as stringent as the closed season, daily bag limit, possession
423 limit and methods of taking fixed for such birds by the regulations of
424 the United States Fish and Wildlife Service, made under the provisions
425 of an Act of Congress Relating to Migratory Birds. Nothing in this
426 section shall affect the right to kill or have in possession to be sold or
427 offered for sale wild ducks, geese and brant, bred or propagated by
428 any domestic breeder. Any person who violates any provision of this

429 section shall be fined not more than fifty dollars or imprisoned not
430 more than thirty days or both. The possession of each bird or part
431 thereof shall constitute a separate offense.

432 (b) Notwithstanding any other provision of the general statutes, the
433 Commissioner of Environmental Protection may authorize any
434 municipality that has, by a majority vote of the decision making body
435 of such town, voted to take resident Canada geese at any time or place
436 and using any method consistent with professional wildlife
437 management principles and scientifically accepted principles of
438 ecosystem based management, to take such geese at any time or place
439 using such method if the commissioner finds that a severe nuisance or
440 ecological damage can be demonstrated and if a plan is submitted to
441 the commissioner for review and approval. Such plan shall describe
442 the extent and degree of the nuisance or damage and the proposed
443 methods of take and other lethal and nonlethal options proposed,
444 considered or implemented.

445 (c) The commissioner shall adopt regulations, in accordance with
446 chapter 54, to carry out the provisions of this section.

JUD *Joint Favorable Subst.*